

Application Serial No. 09/901,120
Amendment dated April 6, 2004
Reply to Office action of October 6, 2003

REMARKS

Claims 84 through 91 are pending in this application. Claim 90 is amended herein. Support for the amendment to claim 90 may be found in the claims as filed originally as well as at page 9, line 19 of the specification. Reconsideration of this application in view of the foregoing amendments and the following remarks is respectfully requested.

Drawings:

A Petition to Accept Color Photographs was filed concurrently with the application on July 10, 2001. A copy of the petition is included for the Examiner's convenience. It is believed that the conditions for accepting color drawings have been satisfied. If one or more conditions remains unsatisfied, the courtesy of a telephone call to the undersigned representative of the Applicant is requested respectfully.

Claim Rejections - 35 U.S.C. § 112:

Claim 90 was rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification has been amended to comport it to claim 90 as filed originally by adding "membrane filter". Claim 90 is consequently submitted to be supported literally by the specification. Withdrawal of the rejection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 102:

Claims 84 through 91 were rejected under 35 U.S.C. § 102(b) as anticipated by Anderson et al., US 6,168,948. The rejection is traversed.

Claim 84 recites:

"A system for processing a sample comprising a reaction chamber, an ultrasound transducer and a central processing unit."

Anderson neither teaches, discloses, nor suggests a system for processing a sample comprising a reaction chamber, an *ultrasound* transducer and a central processing unit, as recited in claim 84. Anderson shows no ultrasound transducer at all in either Fig. 46A or Fig. 46B, contrary to the assertion in the Office action. Anderson shows a surface acoustic wave (SAW) transducer matrix 5700 in Fig. 46A, as described at column 57, lines 53 and 54, rather than an *ultrasound* transducer as recited in claim 84. Similarly, Anderson shows a flexural plate

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wave (FPW) transducer arrangement 5701 in Fig. 46B, as described at column 58, line 25, rather than an *ultrasound* transducer as recited in claim 84. Anderson, in fact, is describing an acoustic manipulation device to position and move cells, viruses, other biological particles and beads including solid or porous gels, as described at column 57, lines 31 through 34. No mention is made of ultrasound in Anderson at all. In fact, there is no reason to suspect that the acoustic manipulation device of Anderson would have had any need for ultrasound. Claim 84 is submitted to be allowable. Withdrawal of the rejection of claim 84 is earnestly solicited.

Claims 85 through 91 depend from claim 84 and add further distinguishing elements. Claims 85 through 91 are also submitted to be allowable. Withdrawal of the rejection of claims 85 through 91 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 84 through 91 are allowable over the cited references. Allowance of all claims 84 through 91 and of this entire application are therefore respectfully requested.

Respectfully submitted,
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